

SB 2799

SD1

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# A BILL FOR AN ACT

RELATING TO THE SUPERVISION OF LICENSED DENTAL HYGIENISTS IN A  
PUBLIC HEALTH SETTING.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1.   Section 447-3, Hawaii Revised Statutes, is  
2 amended by amending subsection (d) to read as follows:

3       "(d) A licensed dental hygienist may operate under the  
4 supervision as provided in section 447-1(f), of any licensed  
5 dentist providing dental services in a public health setting.  
6 General supervision is permitted in a public health setting;  
7 provided that the supervising licensed dentist is available for  
8 consultation; provided further that a licensed dental hygienist  
9 shall not perform any irreversible procedure or administer any  
10 intra-oral block anesthesia under general supervision. In a  
11 public health setting, the supervising licensed dentist shall be  
12 responsible for all delegated acts and procedures performed by a  
13 licensed dental hygienist. As used in this subsection, "public  
14 health setting" includes but is not limited to dental services  
15 in a legally incorporated eleemosynary dental dispensary or  
16 infirmary, private or public school, welfare center, community



1 center, public housing, hospital, nursing home, adult day care  
2 center or assisted living facility, mental institution,  
3 nonprofit health clinic[-] or facility, or the State or any  
4 county. [A] Notwithstanding section 447-1(f), a licensed dental  
5 hygienist under the general supervision of a licensed dentist  
6 employed in a public health setting may perform dental  
7 education, dental screenings, teeth cleanings, x-rays, intra-  
8 oral or extra-oral photographs, and fluoride applications[-] on  
9 individuals who are not yet patients of record, have not yet  
10 been examined by a licensed dentist, or do not have a treatment  
11 plan. Other permissible duties shall be pre-screened and  
12 authorized by a supervising licensed dentist, subject to the  
13 dentist's determination that the equipment and facilities are  
14 appropriate and satisfactory to carry out the recommended  
15 treatment plan. A licensed dental hygienist shall take feasible  
16 actions to refer individuals that are seen in a public health  
17 setting to a dental home. No direct reimbursements shall be  
18 provided to licensed dental hygienists."

19 SECTION 2. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21 SECTION 3. This Act shall take effect on July 1, 2018.



**Report Title:**

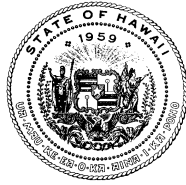
Licensed Dental Hygienists; Public Health Setting; Supervision

**Description:**

Allows licensed dental hygienists to practice under the general or direct supervision of any licensed dentist providing dental services in a public health setting. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*





**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
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**Testimony in SUPPORT of S.B. 2799, S.D. 1**  
**RELATING TO THE SUPERVISION OF LICENSED DENTAL HYGIENISTS IN A**  
**PUBLIC HEALTH SETTING.**

REPRESENTATIVE TAKASHI OHNO, CHAIR  
HOUSE COMMITTEE ON INTRASTATE COMMERCE  
Hearing Date: March 21, 2018 Room Number: 429

1 **Fiscal Implications:** None

2 **Department Testimony:** The Department **strongly supports** this measure, which is part of the  
3 Governor's Administrative Package. This bill only amends subsection 447-3(d), Hawaii Revised  
4 Statutes, the general supervision requirements of dental hygienists in a public health setting, not  
5 in other types of settings such as private offices. S.B. 2799, S.D. 1 will support and promote the  
6 expanded access to dental services for the underserved and vulnerable populations in community  
7 settings through community-based programs such as the virtual dental home. Patient safeguards  
8 will still be maintained though the general supervision requirements in a public health setting.

9 Amending the general supervision requirements by dentists for dental hygienists in public  
10 health settings will aid in removing dental practice barriers to providing dental services in public  
11 health settings. Refining "public health setting" and specifically permitting a dental hygienist,  
12 under the general supervision of a dentist, to perform teeth cleanings, x-rays, intra-oral or extra-  
13 oral photographs in public health settings will improve access to dental care.

14 Oral health is a critical component of our general health and well-being. Poor oral health  
15 not only adversely effects a person's general health, but also impacts a person's ability to eat,  
16 speak, learn, work and communicate. Hawaii residents have a significantly higher prevalence of  
17 tooth decay than the national average. The "Hawaii Smiles 2015" report confirmed that  
18 Hawaii's children have the highest prevalence of tooth decay in the United States. There are also

1 significant oral health disparities by income, uninsured status, race/ethnicity, age, disability, and  
2 geography in Hawaii.

3       The Department of Health 2015 “Hawaii Oral Health: Key Findings” report identified  
4 eight strategies to improve oral health, and includes exploring innovative, evidence-based  
5 strategies to expand access to the underserved, high-risk populations including teledentistry.  
6 Furthermore, the “Hawaii Smiles 2015” report identified key strategies to improve the oral health  
7 for children in Hawaii. The strategies are grouped into three general categories: community-  
8 based prevention programs, screening and referral services, and restorative dental care. The  
9 implementation of these key oral health strategies are essential to improving the oral health of  
10 Hawaii residents.

11       Thank you for the opportunity to testify on this bill.

**PRESENTATION OF THE  
BOARD OF DENTAL EXAMINERS**

TO THE HOUSE COMMITTEE ON INTRASTATE COMMERCE

TWENTY-NINTH LEGISLATURE  
Regular Session of 2018

Wednesday, March 21, 2018  
9:00 a.m.

**TESTIMONY ON SENATE BILL NO. 2799, S.D. 1, RELATING TO THE  
SUPERVISION OF LICENSED DENTAL HYGIENISTS IN A PUBLIC HEALTH  
SETTING.**

TO THE HONORABLE TAKASHI OHNO, CHAIR, AND MEMBERS OF THE  
COMMITTEE:

My name is Paul Guevara, D.M.D., M.D.S., and I am the Chairperson of the Board of Dental Examiners ("Board"). Thank you for the opportunity to testify on S.B. 2799, S.D. 1. The Board supports this measure and offers amendments to clarify dental services provided by licensed dental hygienists operating under general supervision in a public health setting.

S.B. 2799, S.D. 1 allows licensed dental hygienists to practice under the general or direct supervision of any licensed dentist providing dental services in a public health setting.

The Board recommends the following amendments to this measure:

On page 1, lines 3-13:

“(d) Notwithstanding subsection 447-1(f), a licensed dental hygienist may operate under the general supervision [as provided in section 447-1(f)] of any licensed dentist providing dental services in a public health setting. As used in this subsection, general supervision means the supervising licensed dentist is available for consultation and shall be responsible for all delegated acts and procedures performed by a licensed dental hygienist.”

On page 2, lines 7-8:

“ . . . education, dental screenings, teeth cleanings, intra-oral or extra-oral photographs, x-rays if indicated, and fluoride applications . . . ”

Senate Bill No. 2799, S.D. 1  
March 21, 2018  
Page 2

On page 2, lines 15-17:

“A licensed dental hygienist shall refer individuals who are seen in a public health setting to a dental facility for further dental care.”

Thank you for the opportunity to testify in support of S.B. 2799, S.D. 1, with suggested amendments.





March 20, 2018

The Honorable Rep. Takashi Ohno, Chair  
The Honorable Rep. Isaac W. Choy, Vice Chair  
Committee on Intrastate Commerce

**RE:                Testimony in Support of SB 2799 - Relating to the Supervision of Licensed  
Dental Hygienists in a Public Health Setting**

**Hearing:        Wednesday, March 21, 2018 at 9:00 am**

Aloha Chair Ohno, Vice Chair Choy, and other members of the House Committee  
on Intrastate Commerce:

Hawaii Dental Service (HDS), the state's largest dental benefits provider, fully supports this bill which will help to increase access to care to underserved populations by allowing licensed dental hygienists under general supervision of a licensed dentist to provide oral health services efficiently in various public health settings.

Access to oral health care, especially in rural communities remains an ongoing challenge in our state. HDS has invested more than \$630,000 in the Hawaii State Department of Health's effort to explore a new way to serve Hawaii's children and adults through teledentistry programs. I have seen, first hand, how the teledentistry program has the potential to serve many more people in our state who face barriers to visiting a traditional dental office.

Allowing licensed dental hygienists to perform teeth cleanings, x-rays, intra-oral or extra-oral photographs for individuals in a public health setting who are not yet patients of record, have not yet been examined by a licensed dentist, or do not have a treatment plan will help to make the teledentistry program most efficient and sustainable. This measure will also allow dental hygienists to play a key role in expanding care to underserved populations throughout the state.

Thank you for your consideration of SB 2799.

Sincerely,



Mark Yamakawa  
President & Chief Executive Officer



March 21, 2018

The Honorable Takashi Ohno, Chair  
The Honorable Isaac W. Choy, Vice Chair  
House Committee on Interstate Commerce

Re: SB 2799, SD1 – Relating to the Supervision of Licensed Dental Hygienists in a Public Health Setting

Dear Chair Ohno, Vice Chair Choy, and Committee Members:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify on SB 2799, SD1, which allows licensed dental hygienists to practice under the general or direct supervision of any licensed dentist providing dental services in a public health setting. HMSA supports the intent of this Bill, to remove barriers to providing dental services to underserved and vulnerable populations in public health settings.

Thank you for allowing us to testify in support of SB 2799, SD1.

Sincerely,

Pono Chong  
Vice-President, Government Relations



March 19, 2018

House Committee on Intrastate Commerce

SUPPORT of **SB 2799, SD1**

Ellie Kelley-Miyashiro, RDH, BS

Hawaii Dental Hygienists' Association, Regulations and Practice Chairperson

Chairperson Chairperson Ohno, Vice Chair Choy and Committee Members:

The Hawaii Dental Hygienists' Association (HDHA) fully **supports SB 2799, SD1**. We would like to congratulate you on your leadership in clarifying the scope of practice afforded Dental Hygienists under general supervision in Public Health settings. Having one of the worst dental decay rates in the nation, Hawaii's underserved adults and children can only benefit from legislation allowing them the greatest access to care.

- Currently, the Hawaii dental practice act only allows general supervision of a patient of record, has an existing treatment plan, and has been examined by a licensed dentist. The general supervision requirements are basically identical for private and public health settings.

- By amending the general supervision requirements by dentists for dental hygienists in public health settings to reflect the law prior to July 1, 2017, it will help in removing dental practice barriers to providing dental services in public health settings.

- This bill also refines the definition of a "public health setting", and specifically permits a dental hygienist under the general supervision of a dentist to perform teeth cleanings, x-rays, intraoral or extra-oral photographs in public health settings. It also requires a dental hygienist to take feasible action to refer individuals that are seen in a public health setting to a dental home. These amendments help in supporting and promoting the expanded access to dental services for the underserved and vulnerable populations in public health settings.

As the largest association representing Hawaii's licensed dental hygienists', HDHA **strongly supports SB 2799, SD1** to address the prevention of dental disease among Hawaii's people in Public Health settings.

Thank you for your consideration.



**Testimony to the House Committee on Intrastate Commerce  
Wednesday, March 21, 2018; 9:00 a.m.  
State Capitol, Conference Room 329**

**RE: SUPPORTING SENATE BILL NO. 2799, SENATE DRAFT 1, RELATING TO THE SUPERVISION OF LICENSED DENTAL HYGIENISTS IN A PUBLIC HEALTH SETTING.**

Chair Ohno, Vice Chair Choy, and Members of the Committee:

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA **SUPPORTS** Senate Bill No. 2799, Senate Draft 1, RELATING TO THE SUPERVISION OF LICENSED DENTAL HYGIENISTS IN A PUBLIC HEALTH SETTING.

The bill, as received by your Committee, would clarify the scope of practice of dental hygienists working in a public health setting by:

- (1) Permitting general supervision of dental hygienists (in addition to direct supervision) by a licensed dentist, provided that the licensed dentist is available for consultation;
- (2) Prohibiting the dental hygienist from performing any "irreversible procedure" or administering any intra-oral block anesthesia under general supervision;
- (3) Clarifying that the supervising licensed dentist be responsible for all delegated acts and procedures performed by the licensed dental hygienist;
- (4) Providing that a "public health setting" include a public school, a community center, and a public housing facility; and
- (5) Authorizing the licensed dental hygienist in a public health setting to perform teeth cleanings, x-rays, intra-oral or extra-oral photographs, and permitting services to be performed on individuals who are not yet patients of record, have not been examined by a licensed dentist, or do not have a treatment plan.

Furthermore, the bill would direct all licensed dental hygienists to take feasible actions to refer individuals that are seen in a public health setting to a dental home.

Federally Qualified Health Centers (FQHCs) provide desperately needed medical services at the frontlines in rural communities. Long considered champions for creating a more sustainable, integrated, and wellness-oriented system of health by creating a more efficient, more effective and more comprehensive system of health, FQHCs experience even greater challenges in recruiting and retaining qualified health care professionals to service the ever-growing volume of patients.

Preventative and restorative dental care is an essential component of effective primary health care. In particular, preventive dentistry emphasizes the importance of ongoing hygiene procedures and daily practices to prevent tooth decay and other dental diseases and conditions. Effective preventive dentistry combines at-home oral care by patients with chairside treatments and counseling by dental professionals.

Oral diseases can interfere with eating, speaking, daily activities and self-esteem. In children, severe decay can affect growth and development. Preventive dentistry can result in less extensive – and less expensive – treatment for any dental conditions that may develop, and help you keep your natural teeth for a lifetime.

In 2015, the Hawaii State Department of Health (DOH) issued its report entitled, *"Hawaii Oral Health, Key Findings"*, in which they reported, among other things, that:

- There appear to be substantial dental health disparities in Hawaii, with low-income residents more likely to have dental problems and less likely to see a dentist each year.
- Hawaii children enrolled in the publicly funded Medicaid program, QUEST, see dentists more often than national estimates. However, Hawaii children receive more dental treatment services rather than preventive care compared to national estimates.
- Most pregnant women in Hawaii do not see a dentist even though national health and dental groups assure that dental visits are safe and recommended to help prevent dental problems in the women and their developing babies.
- Many Hawaii residents are seeking care at hospital emergency departments for dental problems, although dental services are generally not available there.

**Testimony on Senate Bill No. 2799, Senate Draft 1**

**Wednesday, March 21, 2018; 9:00 a.m.**

**Page 3**

The HPCA commends the DOH for proposing this bill as a practical means of expanding the accessibility of preventative dental care in public health settings. By improving access to preventive dental care for Hawaii's low income populations, the State will be proactively taking steps to improve the overall health of Hawaii's most vulnerable populations.

For these reasons, we **SUPPORT** this bill and urge your favorable consideration.

In advance, thank you for your consideration of our testimony.

**SB-2799-SD-1**

Submitted on: 3/20/2018 7:37:38 AM

Testimony for IAC on 3/21/2018 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i	Support	No

Comments:

Date: March 19, 2018

To: The Honorable Takashi Ohno, Chair  
The Honorable Isaac W. Choy, Vice Chair  
Committee on Intrastate Commerce

Date/Time: Wednesday, March 21, 2018 at 9:00 a.m.

Location: Conference Room 429  
State Capitol  
415 South Beretania Street

Re: Support of SB 2799 SD1, Relating to the Supervision of Licensed Dental Hygienists in a Public Health Setting

Aloha Chair Ohno, Vice Chair Choy, and Members of the Committee on Intrastate Commerce:

My name is Kristine Osada, and I serve as the Department Chair of Dental Hygiene at the University of Hawaii at Manoa, School of Nursing and Dental Hygiene. I strongly support SB2799, SD1 which allows licensed dental hygienists to practice under general and direct supervision of any licensed dentists providing dental services in a public health setting.

School of Nursing and Dental Hygiene at the University of Hawaii at Manoa received a 5-year grant to increase the dental health workforce to serve children 0-5 years of age in underserved and vulnerable areas. We are currently working with many agencies who have already submitted testimony for SB2799 and are collaborating to ensure that our children have the appropriate oral health care, as we have the highest rate of decay in the nation.

This bill allows licensed dental hygienists to practice under general and direct supervision of any licensed dentist providing dental services in a public health setting which will increase and expand access to care and allow the licensed dental hygienists to perform teeth cleaning, x-rays, intra-oral or extra-oral radiographs, fluoride application, dental screenings and dental education.

I strongly support SB2799 SD1 and this testimony does not represent the position of the University of Hawaii.



**SB-2799-SD-1**

Submitted on: 3/18/2018 11:33:32 AM

Testimony for IAC on 3/21/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Deborah Mattheus	Individual	Support	No

## Comments:

As a nursing faculty at the University of Hawaii at Manoa and practicing Pediatric Nurse Practitioner for over 30 years I have seen the numerous negative outcomes related to early childhood caries including pain, difficulty eating resulting in poor growth, poor self esteem and a reduction in the child's quality of life. Children need to be seen both early (by 1 year of age) and often (every 6 months) in order to reduce these effects. However, there are several barriers to accessing dental services nationally including less than adequate numbers of dentist who are both willing to care for children and also accept Medicaid.

Creative strategies to reduce caries include expanding the workforce to include both primary care providers in assessments, education and referral by one year as well as allowing dental hygienist to provide services in their community which include oral health assessments, providing cleanings, fluoride varnish in addition to connecting the family and child to a dental provider that will see the child regardless of age and insurance.

Providing care in the community where children learn, play and obtain services (ie: WIC) can increase the number of children receiving dental care in our surrounding communities, particularly in rural areas where there are few if any pediatric dental providers.

As a PNP I do my best to refer children for services but can not provide the hands on care a dental hygienist has been trained to do. This bill would be an important first step in impacting dental outcomes and helping our keiki smile again.

**SB-2799-SD-1**

Submitted on: 3/19/2018 9:36:38 AM

Testimony for IAC on 3/21/2018 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rosie	Individual	Support	No

Comments:

I write in support of SB2799, practicing under General supervision will greatly help with the access to care issue. Mahalo

**SB-2799-SD-1**

Submitted on: 3/19/2018 1:26:37 PM

Testimony for IAC on 3/21/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Diane Brucato	Individual	Support	No

## Comments:

This testimony is in strong support of SB2799 SD1. This bill clarifies allowable duties safely executed by licensed dental hygienists in public health settings. This bill will do much to increase public access to safe preventive dental care by well educated, tested, and licensed dental hygienists. Thank you for your insight in creating this bill. Please consider amending "teeth cleaning" to be more specific (root planing, scaling and polishing) as defined in the dental hygiene practice act, because cleaning is more in line with brushing and flossing. Thank you for your attention. Please support SB2799 SD1.

Respectfully,

Diane Brucato, RDH, EF, BS, FAADH

# Petition to Submit Testimony in Support of SB2799,SD1

Petition summary and background:	<p>As Registered Dental Hygienists in the state of Hawaii, we are in SUPPORT of SB2799, SD1.</p> <p>We are asking Legislature to amend the general supervision requirements by dentists for dental hygienists in <b>public health settings</b> to reflect the law prior to July 1, 2017. This will help to remove dental practice barriers that provide dental services in a public health setting and will allow dental hygienists to refer individuals to a dental home.</p> <p>Currently, the Hawaii Dental Practice Act only allows general supervision of a dental hygienist in a private and public health setting to see a patient of record, has an existing treatment plan and has been examined by a licensed dentist.</p>
Action petitioned for:	<p>We, the undersigned, are concerned citizens who urge our leaders to act now to SUPPORT SB2799, SD1.</p> <p>These amendments will help to support and promote expanded access to dental services for the underserved and vulnerable population in a public health setting.</p>

Printed name	Email Address	Comment	Date
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Printed name	Email Address	Comment	Date



Hawaii Dental Association

**LATE**

**LATE**

To: The House Committee on Intrastate Commerce  
Time/Date: 9:00 a.m., March 21, 2018  
Location: Capitol Conference Room 429  
Re: SB 2799, SD 1, RELATING TO THE SUPERVISION OF LICENSED DENTAL HYGIENISTS IN A PUBLIC HEALTH SETTING.

Aloha Chair Ohno, Vice Chair Choy and members of the committee! My name is Kim Nguyen and I serve as the executive director of the Hawaii Dental Association, a professional association comprised of approximately 950-member dentists. The Hawaii Dental Association (HDA) is a statewide professional membership organization representing dentists practicing in Hawaii and licensed by the State of Hawaii Board of Dental Examiners. HDA members are committed to protecting the oral health and well-being of all of the people of Hawaii, from keiki to kupuna and everyone in between.

Our understanding of SB 2799, SD 1, is that it restores needed flexibility in the public health setting. We support this measure.

**LATE**

**LATE**

March 21, 2018

To: Representative Takashi Ohno, Chair  
Representative Isaac W. Choy, Vice Chair  
House Committee on Intrastate Commerce

From: Mandy Finlay, Director of Public Policy  
Hawaii Children's Action Network

Re: **SB 2799, SD1 – Relating to the Supervision of Licensed Dental Hygienists in a Public Health Setting**  
**Hawaii State Capitol, Room 429, March 21, 2018, 9:00 AM**

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**On behalf of Hawaii Children's Action Network (HCAN), we are writing to support SB 2799, SD1, which would allow licensed dental hygienists to practice under the general or direct supervision of any licensed dentist providing dental services in a public health setting.**

Hawaii's children have the highest rate of tooth decay in the nation. This is particularly true for children in low-income households who reside in rural areas. These figures underscore the need to expand access to comprehensive dental care services, especially for underserved and vulnerable communities. This measure seeks to improve the dental health of our state's children by allowing dental hygienists to operate under the general supervision of a dentist in public health settings. This means that licensed dental hygienists will be able to perform necessary dental procedures such as teeth-cleanings, x-rays, and examinations in locations such as public schools and public housing. This allows for greater community outreach and breaks down some of the barriers that communities often face in obtaining dental health services. We believe this will expand access to dental services and provide immediate health benefits to our state's children.

**For these reasons, HCAN respectfully requests your Committee to support this measure.**

*HCAN is committed to building a unified voice advocating for Hawaii's children by improving their safety, health, and education.*